

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	No.: 5:24-MJ-00995
	§	
EDWARD CLINTON SMITH,	§	
<i>Defendant.</i>	§	
	§	

**ORDER RESCINDING PRIOR
ORDER OF PRETRIAL
RELEASE AND ORDERING
DETENTION**

Before the Court is the status of Defendant Edward Smith's pretrial release. The Court previously held a detention hearing and determined that Defendant could be released on bond to receive in-patient drug treatment. But when Defendant was in the process of being released to report to treatment, it came to the Court's attention that there are two outstanding arrest warrants for Defendant in connections with charges filed against him on alleged state law violations. The Court therefore set this matter for a bond-reviewing hearing. The Court held that hearing on August 2, 2024. Defendant, defense counsel, and counsel for the Government were present.

As discussed at the hearing, the prior order granting Defendant pretrial release must now be rescinded. If Defendant were to be released in connection with his federal charges, he would then immediately be taken into state custody. This would necessitate a writ of habeas corpus to bring him back into federal custody to answer for the federal charges. Accordingly, Defendant is no longer an appropriate candidate for federal pretrial release. Should the status of Defendant's state charges change such that he might be suitable for federal pretrial release without being taken into state custody, he should so inform the Court by filing a motion requesting a bond hearing.

Accordingly,

IT IS ORDERED that the prior order granting Defendant pretrial release and setting conditions of release is **RESCINDED**. Defendant be **DETAINED** pending trial or further order of the Court. Defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

SIGNED on August 2, 2024.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE